

FAX RECEIVED

MAY 23 2006

O
O'MELVENY & MYERS LLP

OFFICE OF PETITIONS610 Newport Center Drive, Suite 1700
Newport Beach, CA 92660-6429TELEPHONE (949) 760-9600
FACSIMILE (949) 823-6994**FAX TRANSMITTAL****DATE & TIME:**

Tuesday, May 23, 2006

TOTAL NUMBER OF PAGES:

23

TO:Examiner Manuel Mendez
U.S. Patent Office, Art Unit 3763**FAX NUMBER:**

(571) 273-0025

TELEPHONE NUMBER:

(571) 272-4962

FROM:

Diane K. Wong, Reg. No. 54,550

RETURN FAX NUMBER:

(949) 737-2300

TELEPHONE NUMBER:

(949) 737-2900

MESSAGERe: **Wahr et al.**
U.S. Application Serial No. 09/845,162

Attorney Docket No. 891,144-005

Document(s) attached:

- Transmittal Form 1 page
- Petition under 37 C.F.R. §1.313(C)(2) for Withdrawal from Issue 21 pages

MAY 23 PM 4:18

IF YOU DID NOT RECEIVE ALL PAGES, PLEASE CALL OUR FAX DEPARTMENT AT (949) 823-6961.FILE NO.: 891,144-005
USER NO.: 13367
RESPONSIBLE ATTY NAME: Diane K. Wong
SPECIAL INSTRUCTIONS:RETURN ORIGINAL TO: Cinda
EXTENSION:
LOCATION: 1637D

This document is intended for the exclusive use of the addressee. It may contain privileged, confidential, or non-disclosable information. If you are not the addressee, or someone responsible for delivering this document to the addressee, you may not read, copy, or distribute it. If you have received this document by mistake, please call us promptly and securely dispose of it. Thank you.

Patent US 207
Attorney Docket: 891,144-005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

WAHR et al.

Serial No.: 09/845,162

Filed: May 1, 2001

**For: EMBOLI PROTECTION DEVICES
AND RELATED METHODS OF USE**

Group Art Unit: 3763

Examiner: MENDEZ, MANUEL A.

FAX RECEIVED

MAY 23 2006

OFFICE OF PETITIONS

PETITION UNDER 37 C.F.R. §1.313(C)(2) FOR WITHDRAWAL FROM ISSUE

SENT VIA FACSIMILE (571) 273-0025

Mail Stop 313(c)
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby petition to withdraw the above-referenced application from issue as provided by paragraph 37 C.F.R. § 1.313(c)(2). Applicant has submitted the Request for Continued Examination ("RCE"), accompanied by an Information Disclosure Statement, on May 23, 2006. A copy of said RCE and enclosures is attached herewith as Exhibit A.

The issue and publication fees (\$1,000) were paid on October 20, 2005. A copy of the signed Fee Transmittal is attached herewith as Exhibit B. Applicants further request that the previously

05/25/2006 CKHLOK 00000011 502862 09845162

01 FC:1464 130.00 00

CERTIFICATE OF MAILING (37 C.F.R. §1.8)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being transmitted by facsimile to (571) 273-0025 on the date shown below and addressed to the Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450.

May 23 2006
Date of Deposit
NB1:685417.1

Cynthia B. Pacheco
Cynthia B. Pacheco

Patent US 207
Attorney Docket: 891,144-005

submitted fees be applied toward payment of issue and publications fees in the amount identified on a future Notice of Allowance and Fee(s) Due.

The Commissioner is hereby authorized to charge the petition fee (\$130.00) and any additional fees that may be required to Deposit Account No. 50-2862.

Respectfully submitted,

O'MELVENY & MYERS LLP

Dated: May 23, 2006

By: Diane K. Wong
Diane K. Wong
Reg. No. 54,550
Attorneys for Applicants

DKW/cp
O'MELVENY & MYERS LLP
610 Newport Center Drive, 17th Floor
Newport Beach, CA 92660-6429
(949) 760-9600

EXHIBIT A